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December 2, 2024

Via Email

The Honorable Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201-1818

Re: United States v. Napout et al. Case No. 15-CR-252

Dear Judge Chen:

As Your Honor will recall, we represent José María Marín in the above-referenced matter. Given the state of Mr. Marín's health, we write to respectfully request that the Court move forward with addressing Mr. Marín's petition for a writ of error *coram nobis* (ECF No. 2036) ("Petition"), which the Court has deferred ruling on pending the Second Circuit's decision in *United States v. Hernan Lopez, et al.*, 2d Cir. Nos. 23-7183 (L), 23-7186 (Con).

Enclosed is a letter from Mr. Marín's physician in Brazil (along with a translated version in English). As the doctor's report makes plain, unfortunately Mr. Marín is now in end-of-life care and is not expected to survive more than a few months.¹ Given these exigent circumstances, we respectfully submit that it would be in the interests of justice for the Court to decide the Petition as soon as practicable. To this point, it is our understanding that oral argument on the *Lopez* appeal will not take place until January 8, 2025. In other words, a resolution of that appeal prior to Mr. Marín's death seems less likely with each passing day.

In the alternative, if the Court is not inclined to move forward with addressing the Petition at this juncture, we respectfully request that the Court issue an order providing that, in the event of Mr. Marín's passing before the Petition is resolved, his estate will have standing to pursue it. *See Blanton v. United States*, Nos. 3-86-0593, 3-87-0667, and 3-88-0004, 1988 WL 182378 (M.D. Tenn. Jan. 27, 1988) (permitting substitution of deceased petitioner's widow to pursue return of fine through *coram nobis* petition filed by petitioner before his death). That will at least provide some comfort and certainty to Mr. Marín's relatives as to the future of the application.

I have spoken with AUSA Kaitlin Farrell and the government objects to both of the above applications.

¹ We are filing the medical report and translation under seal given that it contains sensitive personal medical information. Those documents have been emailed separately to the government.

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We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ James A. Mitchell

James A. Mitchell

Encl.

cc: All Counsel of Record (via ECF and email)